

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL DOCKET NO: 05-CV-10849 (RGS)

DOROTHY STANLEY, AS EXECUTRIX OF *
THE ESTATE OF HELEN RUNGE *

PLAINTIFF *

vs. *

WALTER J. KELLY, *
KERRY L. BLOOMINGDALE, M.D., *
AND SUNBRIDG NURSING AND *
REHABILITATION CENTER *

DEFENDANTS *

DEFENDANT KERRY BLOOMINGDALE, M.D.'s
MOTION FOR SUMMARY JUDGMENT

NOW COMES the defendant, Kerry Bloomingdale, M.D., in the above entitled action and respectfully moves, pursuant to Mass. R. Civ. P. 56, that this Honorable Court grant Summary Judgment in his favor, as there are no genuine issues of material fact which require a trial on the merits and the defendant is entitled to judgment as a matter of law on the basis of absolute immunity. In support of this Motion, the defendant relies on Defendant's Memorandum in Support of His Motion for Summary Judgment, Defendant's Statement of Material Facts, and Defendant's Exhibits to Motion for Summary Judgment.

WHEREFORE, the defendant, Kerry Bloomingdale, M.D., respectfully requests that this Honorable Court grant his Motion for Summary Judgment as there are no genuine issues of material fact which require a trial on the merits and he is entitled to judgment as a matter of law.

Respectfully submitted,
Defendant, Kerry Bloomingdale, M.D.
By his attorney,

/s/ James S. Hamrock, Jr.

James S. Hamrock, Jr.

BBO # 219400

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Certificate of Service

I, **James S. Hamrock, Jr.**, Attorney representing Defendant, **Kerry Bloomingdale, M.D.**, hereby certify that I have this *18th day of January, 2008* filed the within ***Motion for Summary Judgment*** through the ECF system, and certify that the within pleading will be served electronically upon the attorneys of record, as identified on the Notice of Electronic Filing (NEF).

/s/ James S. Hamrock, Jr.

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**CERTIFICATION PURSUANT TO
EXPENSE AND DELAY REDUCTION PLAN RULE 3.01(b)**

I, James S. Hamrock, Jr., Esq., hereby certify pursuant to Rule 3.01 (b) that I have conferred with counsel and have attempted in good faith to resolve or narrow the issues presented in the attached Motion for Summary Judgment and Memorandum in Support.

Defendant, Kerry Bloomingdale, M.D.
By his attorney,

/s/ James S. Hamrock, Jr.
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